

2016 Regular Session

HOUSE BILL NO. 799

BY REPRESENTATIVE JAY MORRIS

PUBLIC CONTRACTS: Requires certain information be included in all state contracts and certain state-related contracts

1 AN ACT

2 To enact R.S. 39:1623(C) and Part X of Chapter 17 of Subtitle III of Title 39 of the  
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:1758, relative to  
4 public contracts; to require certain information be included in all state contracts and  
5 certain state-related contracts; to require certain information be included in contracts  
6 for professional, personal, consulting, and social services contracts; and to provide  
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 39:1623(C) and Part X of Chapter 17 of Subtitle III of Title 39 of the  
10 Louisiana Revised Statutes of 1950, comprised of R.S. 39:1758, are hereby enacted to read  
11 as follows:

12 §1623. Certification by using agency

13 \* \* \*

14 C. In addition to the certifications required in Subsections A and B of this  
15 Section, any using agency seeking to enter into any contract shall certify that the  
16 contract contains information required by R.S. 39:1758.

17 \* \* \*

1                                PART X. REQUIREMENTS OF CONTRACTS

2                    §1758. Contract fiscal controls

3                                A. Any contract subject to the provisions of this Chapter, a university pilot  
4                    procurement code, or issued by any nonprofit dependent upon annual appropriations  
5                    from the state for debt service or for bond defeasance or payments, all of which  
6                    shall be deemed a public record for purposes of this Part and R.S. 14:133, shall  
7                    contain the following provisions:

8                                (1) Certification by the contractor that the contractor, its representatives,  
9                    officers, directors, and owners, did not give anything of value to any employee of the  
10                  agency, or to a family member, friend, or business in exchange for the granting of  
11                  the contract, except for the obligation of the contract.

12                              (2) Certification by the contractor that the contract is on behalf of the entity  
13                  itself and not as a front for another person or entity and there are no counter-letters  
14                  or other agreements or understandings as to the true owners of the contractor.

15                              (3) Certification by the contractor that it acknowledges that a contract  
16                  covered by this Part is a public record and that filing false public records including  
17                  any document containing a false statement or false representation of a material fact  
18                  for record in any public office or with any public official, with knowledge of its  
19                  falsity, is a criminal offense under state law R.S. 14:133, punishable by  
20                  imprisonment for not more than five years or a fine of not more than five thousand  
21                  dollars, or both.

22                              (4) An appropriations dependency clause.

23                              B. Each professional, personal, consulting, and social services contract shall  
24                  contain a provision authorizing the contracting entity to terminate the contract upon  
25                  thirty days notice or sooner.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 799 Engrossed

2016 Regular Session

Jay Morris

**Abstract:** Requires contracts subject to the Louisiana Procurement Code, a university pilot procurement code, and by certain nonprofits shall contain certain information.

Proposed law deems all state contracts subject to the Louisiana Procurement Code or a university pilot procurement code, or any contract issued by a nonprofit dependent upon annual appropriations from the state for debt service or bond defeasance or payments shall be deemed public records for the purposes of proposed law and requires such contracts contain:

- (1) Certification by the contractor that its representatives, officers, directors, and owners, did not give anything of value to any employee of the agency, or to a family member, friend, or business in exchange for the granting of the contract, except for the obligation of the contract.
- (2) Certification by the contractor that the contract is on behalf of the entity itself and not as a front for another person or entity and there are no counter-letters or other agreements or understandings as to the true owners of the contractor.
- (3) Certification by the contractor that it acknowledges that a contract covered by this Part is a public record and that filing false public records is a criminal offense under present law, punishable by imprisonment for not more than five years or a fine of not more than \$5,000, or both.
- (4) An appropriations dependency clause.

Proposed law requires that each professional, personal, consulting, and social services contract shall contain a provision authorizing the contracting entity to terminate the contract upon 30 days notice or sooner.

(Adds R.S. 39:1623(C) and 1758)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Remove reference to the LCTCS Facilities Corporation and instead apply proposed law to any nonprofit dependent upon annual appropriations for debt service or bond defeasance or payments.
2. Remove requirement that the appropriations dependency clause in proposed law contain specific information.